

John T. Morgan (USB #3839)

**UNITED STATES DEPARTMENT OF JUSTICE**

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Attorney for Patrick S. Layng, United States Trustee

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

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In re:

**EDITH M. BRIDGEFORTH,**

Debtor.

**Bankruptcy Case No. 14-31929 WTT**

(Chapter 7)

Chief Judge William T. Thurman

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**MOTION FOR ORDER DENYING DISCHARGE PURSUANT TO 11 U.S.C. §727(a)(8)  
AND MEMORANDUM IN SUPPORT THEREOF**

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The United States Trustee, by and through his attorney, John T. Morgan, hereby moves the Court for the entry of an order denying discharge of debts pursuant to 11 U.S.C. §727(a)(8) and Fed. R. Bankr. P. 4004(d) and for such other and further relief as the Court deems appropriate under the circumstances. This Motion is supported by the Memorandum of Points and Authorities as follows:

**MEMORANDUM IN SUPPORT OF MOTION FOR ORDER DENYING DISCHARGE  
PURSUANT TO 11 U.S.C. §727(a)(8)**

**I. STATEMENT OF FACTS**

1. The Court has jurisdiction of this matter under 28 U.S.C. §§ 1334(a) and (b); 28 U.S.C. §§ 157(a) and (b)(1); and 28 U.S.C. §151. This is a core proceeding under 28 U.S.C. §§ 157(b)(A) and (B).
2. The Debtor filed a voluntary petition for relief under chapter 7 of Title 11 of the United States Code on November 10, 2014. David C. West was appointed as Chapter 7 Trustee in this case and continues to serve in that capacity.
3. A Meeting of Creditors, pursuant to 11 U.S.C. §341, was conducted on December 19, 2014.
4. As applied to 11 U.S.C. §727(a)(8), this Motion is timely pursuant to Fed R. Bankr. P. 4004(a).
5. The Debtor, Edith M. Bridgeforth, a.k.a. Edith Maydene Bridgeforth, filed a prior Chapter 7 bankruptcy case on July 31, 2009, in the District of Utah, Case No. 09-27982 JAB. Edith M. Bridgeforth received in that case a Discharge under 11 U.S.C. §727 of the Bankruptcy Code on November 10, 2009.
6. Using the Debtor, Edith M. Bridgeforth's, full social security number, XXX-XX-7642, prior to the filing of the Motion herein the United States Trustee's office conducted a search of its databases and queried the Court's records to ensure that the Debtor, Edith Maydene Bridgeforth, from case no. 09-27982 JAB (District of Utah) and Debtor, Edith M. Bridgeforth, from case no. 14-31929 WTT was in fact the same individual.

7. The United States Trustee's Office thereby verified that the social security number used in case no. 14-31929 WTT by Debtor, Edith M. Bridgeforth, was in fact the same social security number, also used by Edith M. Bridgeforth, a.k.a. Edith Maydene Bridgeforth, in case no. 09-27982 JAB.
8. The present case of Debtor, Edith M. Bridgeforth, was filed on November 10, 2014 as a Chapter 7 case within eight (8) years after the filing of the prior Chapter 7 case in which the Debtor received a Chapter 7 Discharge of Debts.

## **II. ARGUMENT**

Having received a discharge under 727(a) in a case commenced within 8 years before the date of the filing of the petition in this case, the Debtor, Edith M. Bridgeforth, is not entitled to a discharge under 11 U.S.C. §727 in this case.

11 U.S.C. §727(a)(8) provides:

- a. The Court shall grant the Debtor a discharge, unless-
  - (8) The Debtor has been granted a discharge under this section..., in a case commenced within 8 years before the date of the filing of the petition.

There is no basis in law or in fact that would allow the Court to grant a discharge to the Debtor when the Debtor is beyond the bounds of the statute that authorizes the Court to grant a discharge.

## **III. CONCLUSION**

For the reasons as set forth herein, the Court should enter an Order denying the discharge of debts pursuant to 11 U.S.C. §727(a)(8) for such other and further relief as the Court deems appropriate.

DATED: February 3, 2015

Respectfully Submitted,

/s/

John T. Morgan  
Attorney for Patrick S. Layng,  
United States Trustee

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that, on February 3, 2015, I caused a true and correct copy of the foregoing **MOTION FOR ORDER DENYING DISCHARGE PURSUANT TO 11 U.S.C. §727(a)(8) AND MEMORANDUM IN SUPPORT THEREOF** to be electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system, as noted below:

David C. West, Esq.

Further, I certify that copies of the **MOTION** were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following:

Edith M. Bridgeforth  
210 West 400 South  
Cedar City, UT 84720

\_\_\_\_\_/s/  
John T. Morgan